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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,085	04/10/2002	Takanori Nishimura	220709US6PCT	2937
22850 7590 07/24/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MONTAYA, OSCITA I	
			ART UNIT 2623	PAPER NUMBER
			NOTIFICATION DATE 07/24/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No. 10/089,085	Applicant(s) NISHIMURA ET AL.	
	Examiner Oschta Montoya	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/07/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim 1-8 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant arguments on pages 10-11 of the 05/30/2007 Remarks/Arguments, the newly added limitation is still met by the Garrity reference as described below.

The newly added limitation "...information on restrictions of the client terminal apparatus..." continues to be met by the Garrity reference as described below. The applicant argues that Garrity does not teach or suggest restrictions on the client terminal apparatus or specifically which users are capable of receiving the content, however the examiner respectfully disagrees because Garrity teaches that the content providers input the details of the event including recipient scope (meaning which users are able to receive the content, Col. 9, lines 20-44).

The limitation "judging... whether the distribution request of said client terminal apparatus should be accepted or not based on said restriction information" continues to be met by the Garrity reference as described below. The applicant argues that Garrity does not teach or suggest the above limitation, however the examiner respectfully disagrees because Garrity teaches that a determination is made on which users are and which user are not receiving the content (1006 to 1012-figure 10, Col. 13, lines 31-60).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Garrity et al., US 6,230,205.

Regarding claim 1, Garrity discloses a content distribution method for making a reservation to a reservation control apparatus for the use of a distribution server (Col. 7, lines 1-8) that receives content sent from a distributor terminal apparatus (102, 104, and 106) via a network (138) and carries out stream distribution of said content to a client terminal apparatus via the network (Col. 3, lines 32-57, fig. 1), sending said content from said distributor terminal apparatus (102, 104, 106) to said distribution server (136) based on said reservation and thereby carrying out content distribution, said content distribution method comprising:

a reservation requesting step of sending, by the distributor terminal apparatus, reservation request information including a desired service time to distribute content using said distribution server (136) (Col. 8, lines 30-48) and restriction information on restrictions of the client terminal apparatus from said distributor terminal apparatus to said reservation control apparatus via the network (Col. 9, lines 20-44);

a content transmitting step of transmitting, when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted, the content from said distributor terminal apparatus to said distribution server via the network to carry out a content distribution based on said accepted reservation (Col. 7, lines 1-9, lines 45-62);

a judging step of judging, when said client terminal apparatus requests said distribution server to distribute content via the network, whether the distribution request of said client terminal apparatus should be accepted or not based on said restriction information (Col. 13, lines 31-60);

and a distributing step of carrying out a stream distribution, when the distribution request of said client terminal apparatus is accepted, of the content sent from said distributor terminal apparatus from said distribution server to said client terminal apparatus via the network (Col. 12, lines 42-60, Col. 13, lines 32-59).

Regarding claim 2, Garrity discloses the content distribution method according to claim 1, further comprising a browsing judging step of judging, when the reservation for the use of said distribution server during said desired service time included in said reservation request information is accepted, whether content distribution program information about content distribution based on said reservation should be made browsable or not based on said restriction information (Col. 4, lines 44-51); and a storing step of storing, when it is judged that said content distribution program information should be made browsable, said content distribution program information in

a predetermined storage area of said reservation control apparatus in a manner browsable via the network (Col. 4, lines 58-67).

Regarding claim 3, Garrity discloses the content distribution method according to claim 1, wherein when said restriction information includes information that a distribution request is accepted only for a client terminal apparatus authenticated through authentication processing using a password, said judging step judges whether the distribution request should be accepted or not based on the password sent from said client terminal apparatus (Col. 10, lines 28-57).

Regarding claim 4, Garrity discloses the content distribution method according to claim 1, further comprising an authentication information transmitting step of transmitting, when said restriction information includes information indicating the contact address of the client user of the client terminal apparatus for which a content distribution is accepted, authentication information to said contact address of the client user via the network (Col. 9, lines 25-31), and wherein in said judging step, it is judged whether the authentication information sent from said client terminal apparatus matches the authentication information sent in said authentication information transmitting step or not and accepts the distribution request only when the two authentication information pieces match (fig. 6, Col.8, lines 53-64).

Regarding claim 5, Garrity discloses a reservation control apparatus that controls reservations for live distributions of content using a distribution server that carries out stream distributions of said content to a client terminal apparatus via a network, said reservation control apparatus comprising:

receiving means for receiving reservation request information, from a distributor terminal apparatus, including a desired service time for a content distribution using said distribution server (Col. 8, lines 30-48) and restriction information about restrictions on said client terminal apparatus sent from a distributor terminal apparatus requesting a live distribution of content via the network (Col. 9, lines 20-64);

browsing judging means for judging, when the reservation for a content distribution using said distribution server during said desired service time included in said reservation request information is accepted, whether content distribution program information about content distribution based on said reservation should be made browsable or not based on said restriction information (Col. 4, lines 44-51); and

storing means for storing, when it is judged that said content distribution program information should be made browsable, said content distribution program information in a predetermined storage area of said reservation control apparatus in a manner browsable via the network (Col. 4, lines 58-67).

Regarding claim 6, Garrity discloses a computer-readable medium storing a program to be executed by a reservation control apparatus that controls reservations for live distributions of content using a distribution server that carries out a stream

distribution of said content to a client terminal apparatus via a network, said program comprising:

reception processing that receives reservation request information including a desired service time for a content distribution (Col. 8, lines 30-48) and restriction information about restrictions on said client terminal apparatus sent from a distributor terminal apparatus requesting a live distribution of content using said distribution server via the network (Col. 9, lines 20-64);

browsing judgment processing that judges, when the reservation for a content distribution using said distribution server during said desired service time included in said reservation request information is accepted, whether content distribution program information about content distribution based on said reservation should be made browsable or not based on said restriction information (Col. 4, lines 44-51); and  
storing processing that stores, when it is judged that said content distribution program information should be made browsable, said content distribution program information in a predetermined storage area of said reservation control apparatus in a manner browsable via the network (Col. 4, lines 58-67).

Regarding claim 7, Garrity discloses a content distribution method for distributing the content uploaded by a distributor terminal apparatus via a distribution server in response to a request from a client terminal apparatus, said method comprising:  
Selecting, at the distributor terminal apparatus, a disclosure level of the content to be uploaded by said distributor terminal apparatus (Col. 6, lines 33-49);



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uploading the content and said disclosure level of the content from said distributor terminal apparatus to said distribution server via the network to carry out a content distribution (Col. 7 lines 1-31);

judging whether content distribution program information about content distribution should be made browsable based on said disclosure level set by said distributor terminal apparatus (Col. 6, lines 38-39);

storing, when it is judged that said content distribution program information should be made browsable, said content distribution program information in a predetermined storage area of said reservation control apparatus in a manner browsable via the network (Col. 6, lines 58-64); and

carrying out a stream distribution, when the distribution request of said client terminal apparatus is accepted (Col. 7, lines 1-8).

Regarding claim 8, Garrity discloses a content distributing system for distributing the content uploaded by a content distributor terminal apparatus in response to a request from a client terminal apparatus, said system comprising:

a content receiving unit configured to receive the content uploaded by said distributor terminal apparatus, wherein the content is identified with a disclosure level set by said distributor terminal apparatus (Col. 6, lines 33-49);

a judging unit configured to judge whether content distribution program information about content distribution should be made browsable based on said disclosure level set by said distributor terminal apparatus (Col. 6, lines 38-39);

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a storing unit configured to store, when it is judged that said content distribution program information should be made browsable, said content distribution program information in a predetermined storage area of said reservation control apparatus in a manner browsable via the network (Col. 6, lines 58-64); and

a distributing unit configured to carry out a stream distribution, when the distribution request of said client terminal apparatus is accepted (Col. 7, lines 1-8).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oshta Montoya whose telephone number is (571) 270-1192. The examiner can normally be reached on Monday/Friday 7:30 to 5:00 off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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